THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.23962 of 2006

22.12.2006

Between:

P. Stanley and another ..Petitioners

And

The District Collector, Ranga Reddy District. and another.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.23962 of 2006

ORDER:

The two petitioners claimed to be owners of land admeasuring Acs.2.33 guntas in survey Nos.606 and 608/1 situated at Kandiguda Hamlet of Kapra Village of Keesara Mandal in Ranga Reddy District. As the land falls within the peripheral area of Hyderabad agglomeration under the Urban Land (Ceiling and Regulation) Act, 1976 ("the ULC Act", for brevity), the father of petitioners Sri M.V.Panjanadhan filed an application, dated 16.06.1987, before the Government seeking exemption of the land under G.O.Ms.No.733, dated 31.10.1988, read with G.O.Ms.No.451, dated 07.05.1987. The Government rejected the request and directed the Special Officer and Competent Authority under the ULC Act to take action under the said Act. Aggrieved by the same, the petitioners filed W.P.No.19807 of 1997. The same was allowed by this Court on 09.11.1999 and the appeal, being W.A.No.353 of 2000, filed by the Government, was dismissed by the Division Bench on 19.04.2000. In pursuant thereto, the Government issued Memo No.20092/UC.II(2)/99-7, dated 04.03.2003, informing the Special Officer that petitioners' land is exempted under G.O.Ms.No.733 and the Special Officer was requested to address the District Collector, Ranga Reddy District and Mandal Revenue Officer, Keesara, for compliance in the matter. Thereafter, the petitioners approached the respondents for conducting survey of the land, in vein. Therefore, they filed the present Writ Petition seeking a writ of mandamus directing the respondents to survey and demarcate the land immediately.

The matter was initially listed before this Court on 17.11.2006. Since then it is being adjourned to enable the learned Assistant Government Pleader for Revenue (General-T) to get instructions in the matter. After getting instructions, the learned Assistant Government Pleader submits that pursuant to the Government Memo, dated 04.03.2003, the District Collector has addressed the Mandal Revenue Officer for compliance, that the same was entrusted to Additional Mandal Revenue Inspector (AMRI) and that as the land is covered by profuse growth of bushes and shrubs, the AMRI under a cover of panchanama, dated 09.09.2006, handed over the land to the

petitioners. He also submits that the petitioners were asked to clear the land and take up jungle clearance operations for the purpose of conducting survey by the AMRI. Therefore, he submits that there is no laxity on the part of the respondents.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader, this Court is not inclined to issue a mandamus directing the second respondent to conduct survey immediately. When the land is handed over to the petitioners for the purpose of jungle clearance, it is their duty to clear the land with all the bushes and then approach the second respondent for conducting survey. As and when the petitioners keep the land ready free of bushes and shrubs, the second respondent may complete the survey within a period of six weeks.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

22.12.2006
GJ